

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

UNITED STATES OF AMERICA

v.

JOHN D. MACINTYRE

Criminal Case No. 21-121-JJM

**UNITED STATES' MOTION FOR
A FINAL ORDER OF FORFEITURE**

For the reasons set forth below, the United States of America ("United States") respectfully moves for a final order of forfeiture in the form attached as Exhibit 1 for all interest in any and all property, real or personal, used or intended to be used to commit or promote the commission of the offenses charged in the Indictment, and all property constituting or traceable to gross profits or other proceeds obtained from such offenses, and all visual depictions described in 18 U.S.C. §§ 2251-2252, and any book, magazine, periodical, film, videotape, or other matter containing any such visual depiction, which was produced, transported, mailed, shipped or received in committing such offense, including but not limited to:

- (a) one Acer Laptop bearing serial number HQ28AA00174405C5C340; and
- (b) one LI 11 Western Digital – Blue – Internal HDD – 1TB SN: wcc6y4akrs4k (hereinafter the "Subject Property").

In support of this motion, the Government proffers the following:

1. The Information includes a forfeiture allegation that states in the event the Defendant is convicted of Count 1 in violation of 18 U.S.C. §§ 2252(a)(4)(B) and (b)(2), the Defendant shall forfeit the Subject Property to the United States of America, pursuant to 18 U.S.C. § 2253(a).

2. On January 4, 2022 the Court accepted the Defendant's guilty plea as to Count 1

of the Information. *See* Docket Entry dated January 4, 2022 (Plea Hearing).

3. On November 10, 2022, the Court entered a Preliminary Order of Forfeiture. The Preliminary Order of Forfeiture set forth that the United States established that Defendant had an interest in the Subject Property, that Defendant agreed to waive that interest, and that the Subject Property is subject to forfeiture. *See* Docket No. 29 (Preliminary Order of Forfeiture).

4. In accordance with 21 U.S.C. §853(n) (as incorporated by 18 U.S.C. §982(b)(2)), the United States properly published notice of the forfeiture of the Subject Property and the requirements for filing a claim for the Subject Property for thirty (30) consecutive days beginning on August 30, 2023 and ending on September 28, 2023 on the United States' forfeiture internet site, www.forfeiture.gov, as set forth in the Declaration of Publication filed with this Court on April 25, 2024.

5. No additional claims were filed within thirty (30) days of the final publication of the notice of forfeiture on the internet. Therefore, no third party has established an interest in the Subject Property, and third parties are now barred from establishing any interest.

Accordingly, the United States respectfully requests that this Court enter a final order of forfeiture as proposed in the attached order.

Respectfully submitted,

ZACHARY A. CUNHA
United States Attorney

/s/ John P. McAdams
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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of April 2024, I electronically filed the above United States Motion for a Final Order of Forfeiture with attachments with the Clerk of the United States District Court for the District of Rhode Island using the CM/ECF System. All parties of record have received electronic notice.

/s/ John P. McAdams
JOHN P. MCADAMS